

TESTIMONY OF
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AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
BEFORE THE
SUBCOMMITTEE ON HIGHWAYS, TRANSIT AND PIPELINES
HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
ON
PUBLIC TRANSPORTATION SECURITY

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SUBMITTED BY

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APTA is a nonprofit international association of over 1,500 public and private member organizations including transit systems and commuter rail operators; planning, design, construction and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products. Over ninety percent of persons using public transportation in the United States and Canada are served by APTA members.

Mr. Chairman, thank you for this opportunity to testify on public transportation security. We commend the House Subcommittee on Highways, Transit and Pipelines for holding this hearing today particularly in light of the terrorist attack March 11, 2004, in Madrid, Spain and the continuing threat of terrorist attack to public transportation systems and riders across the nation.

ABOUT APTA

The American Public Transportation Association (APTA) is a nonprofit international association of over 1,500 public and private member organizations including transit systems and commuter rail operators; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient, and economical transit services and products. Over ninety percent of persons using public transportation in the United States and Canada are served by APTA member systems.

PASSENGER RAIL AND PUBLIC TRANSPORTATION SECURITY

Mr. Chairman, we do not need to emphasize the critical importance of keeping America's public transportation secure in this time of heightened national security. We must look at the security of our surface transportation program in its entirety and that includes the full spectrum of public transportation services. At intermodal hubs such as Washington's Union Station there are blends of services including intercity passenger rail, commuter rail, subway, and bus transportation. Congress should examine the unique security needs for all of America's public transportation.

America's public transportation services are by design and necessity an open environment. Over 9 billion transit trips are taken annually on all modes of transit service. People use public transportation vehicles over 32 million times each weekday. This is more than sixteen times the number of daily travelers aboard the nation's domestic airlines and over 450 times the number used by Amtrak intercity services. The numbers of customers using public transportation each and every day create ongoing challenges for enhancing security within our transit environments.

In addition, transit employees are on the front line in our nation's effort against terrorism. They are the first responder evacuation teams who will assist in getting the public out of critical incident areas and our cities in the event of a terrorist attack. This was evident on September 11, 2001, when public transportation in New York City, New Jersey and Washington, D.C. helped safely evacuate citizens from center cities. Indeed, this same story was true around the country as transit systems quickly and efficiently evacuated people from closed airports and downtown areas. We remember that the interstate highway program was begun by President Eisenhower as a national defense interstate highway program. It is clear now that public transportation, too, has a significant national defense component and is a fundamental element in responding to community disasters and emergencies.

In that connection, APTA is honored to play a critical role in transportation security and works closely with a number of federal agencies in this regard, notably the Federal Transit Administration (FTA) and the Federal Railroad Administration of the U.S. Department of Transportation, and the Transportation Security Administration (TSA), the Office of Domestic Preparedness (ODP), and the Directorate of Information Analysis & Infrastructure Protection of the U.S. Department of Homeland Security. At the program level, APTA works closely with the FTA

and FRA to administer an industry audit program that oversees a system safety and security management plan for transit systems around the country. Our safety audit program for commuter rail, bus, and rail transit operations has been in place for many years and includes elements specific to security planning and emergency preparedness. Separately, in connection with Presidential Decision Directive Number 63, we are pleased to have been designated a Public Transportation Sector Coordinator by the Department of Transportation, and as my testimony notes below, we have established a Transit Information Sharing Analysis Center (ISAC) that provides a secure two-way reporting and analysis structure for the transmission of critical alerts and advisories to transit agencies around the country.

Since the events of 9/11, state and local public transit agencies, like all state and local entities, have spent significant sums on police overtime, enhanced planning and training exercises, and capital improvements related to security. In response to a 2004 APTA survey, transit agencies around the country have identified in excess of \$6 billion in transit security needs. These include both immediate capital investments and recurring operating expenses related to security. We would be pleased to submit our survey for the record.

Mr. Chairman, it is important to note that these costs are separate and distinct from the capital infrastructure needs we have identified under the TEA 21 reauthorization effort. We cannot emphasize enough that funding authorization legislation for transit security should remain separate from TEA 21 reauthorization. In our view, transit security needs are unique and should continue to be addressed in the context of the budget of the Department of Homeland Security. Particularly at a time when transit systems are experiencing the impacts of the economic downturn, we need investment from TEA 21 reauthorization to continue to address basic public transportation infrastructure needs, which an AASHTO report concludes are \$44 billion a year.

BACKGROUND

Mr. Chairman, prior to and following September 11, 2001—the date of the most devastating terrorist attack in U.S. history—APTA has played a key role in addressing the safety and security issues of our country. American public transportation agencies have also taken significant measures to enhance their security and emergency preparedness efforts to adjust to society's new state of concern. Although agencies had a wide range of security initiatives in place at the time of the World Trade Center and Pentagon attacks and already had developed emergency response plans, the September 11 incidents focused, strengthened and prioritized security efforts throughout the industry.

Transit agencies have had a solid safety record and have been working for many years to enhance their system security and employee security training, partly responding to government standards, APTA guidelines, and by learning through the attacks on transit agencies abroad. For example, the 1995 sarin gas attack in the Tokyo subway system caused U.S. transit properties managing tunnels and underground transit stations to go on high alert. The San Francisco Bay Area Rapid Transit District, for instance, responded to the possible threat of chemical weapons attacks by sending a police team to Fort McClellan, Alabama, to learn response tactics from U.S. Army chemical weapons experts.

In the months following the September 11 terrorist attacks, transit agencies of all sizes worked to identify where they might be vulnerable to attacks and increased their security expenses for both operations and capital costs. The agencies subsequently upgraded and strengthened their

emergency response and security plans and procedures, taking steps to protect transit infrastructure and patrons and increase transit security presence while giving riders a sense of security.

Some initiatives around the country include:

- Increased surveillance via closed circuit TV.
- Increased training for employees.
- Hired more police, K-9 units added.
- Chemical detection systems being tested.
- Infrastructure design to eliminate hiding places.
- Drills are routinely held with first responders.
- Encouraging riders to be vigilant for suspicious activities or items.

After September 11, many transit organizations worked to prevent unauthorized entry into transit facilities. The need for employees and passengers to stay alert and report suspicious occurrences became a key goal of many agencies. These efforts are paying off. While many transit agencies are more secure than prior to September 11, more needs to be done.

Since the attacks, APTA and the Federal Transit Administration have emphasized the need for effective transit security and emergency preparedness. FTA has sent security resource toolkits to transit agencies; completed security-vulnerability assessments of the nation's largest transit systems; and provided technical support and grants of up to \$50,000 to fund agency emergency drills.

FTA continues to provide emergency preparedness and security forums nationwide. In emphasizing the importance of enhancing transit security, FTA Administrator Jennifer L. Dorn noted that thousands of lives were spared on September 11 in New York City and Washington "because of the quick action of first responders and transit workers."

APTA has launched many additional efforts to further transit industry security and preparedness, collaborating with FTA in developing emergency preparedness forums, and sponsoring and organizing security-related conferences and workshops. Moreover, APTA developed a list of critical safety and security needs faced by the transit industry, which it has provided to the Department of Transportation and the U.S. Congress. Mr. Chairman, I would be pleased to submit this and other data discussed in my testimony for the record.

PUBLIC TRANSPORTATION INFORMATION SHARING ANALYSIS CENTER (ISAC)

Presidential Decision Directive Number 63 authorizes and encourages national critical infrastructures to develop and maintain ISACs as a means of strengthening security and protection against cyber and operations attacks. APTA is pleased to have been designated a Public Transportation Sector Coordinator by the U.S. Department of Transportation, and in that capacity has received a \$1.2 million grant from the Federal Transit Administration to establish a transit ISAC. APTA recently formalized an agreement with a private company to implement the ISAC and make it available to public transit systems around the country.

This ISAC for public transit provides a secure two-way reporting and analysis structure for the transmission of critical alerts and advisories as well as the collection, analysis and dissemination of security information from transit agencies. The public transit ISAC also provides a critical linkage between the transit industry, the U.S. Department of Transportation, the Transportation

Security Administration, and the Office of Homeland Security. A request for funding to continue this ISAC has been submitted to the Department of Homeland Security's Directorate of Information Analysis & Infrastructure Protection.

ONGOING TRANSIT SECURITY PROGRAMS

Mr. Chairman, while transit agencies have moved to a heightened level of security alertness, the leadership of APTA has been actively working with its strategic partners to develop a practical plan to address our industry's security and emergency preparedness needs. Shortly after the September 11 events, the APTA Executive Committee established a Security Task Force under the leadership of Washington Metro's CEO, Richard A. White. The APTA Security Task Force has established a security strategic plan that prioritizes direction for our initiatives. Among those initiatives, the Task Force serves as the steering group for determining security projects that are being implemented through over \$2 million in Transit Cooperative Research Project funding through the Transportation Research Board.

Through this funding, APTA held four transit security workshop forums for the larger transit systems with potentially greater risk exposure. These workshops provided confidential settings to enable sharing of security practices and applying methodologies to various scenarios. The outcomes from these workshops were made available in a controlled and confidential format to other transit agencies unable to attend the workshops. The workshops were held in New York, San Francisco, Atlanta, and Chicago.

In partnerships with the Transportation Research Board, the APTA Security Task Force has also established two TCRP Panels that identified and initiated specific projects developed to address *Preparedness/Detection/Response to Incidents* and *Prevention and Mitigation*. The Security Task Force emphasized the importance for the research projects to be operationally practical.

In addition to the TCRP funded efforts, a generic *Checklist For Transit Agency Review Of Emergency Response Planning And System Review* has been developed by APTA as a resource tool and is available on the APTA website. Also through the direction of the Security Task Force, APTA has reached out to other organizations and international transportation associations to formally engage in sharing information on our respective security programs and directions and to continually work towards raising the bar of safety and security effectiveness.

Within this concept of partnership and outreach, APTA also continues in its ongoing collaboration with the Federal Transit Administration to help in guiding and developing FTA programs. Among these are regional Emergency Preparedness and Security Planning Workshops that are currently being delivered through the Volpe Center and have been provided in numerous regions throughout the U.S. The primary focus of such workshops has been to assist particularly smaller transit systems in building effective emergency response plans with first responders and their regional offices of emergency management. Also within this partnership, APTA has assisted the FTA and the National Transit Institute in the design of a new program "Security Awareness Training for Frontline Employees and Supervisors." This program is now being provided by NTI to transit agencies throughout the nation.

Collaborative efforts between APTA, FTA, Volpe Center, and the National Transit Institute are also underway to establish a joint website that will specifically gather and disseminate effective transit practices with initial emphasis on safety and security.

As you may be aware, APTA has long-established Safety Audit Programs for Commuter Rail, Bus, and Rail Transit Operations. Within the scope of these programs are specific elements pertaining to *Emergency Response Planning and Training* as well as *Security Planning*. In keeping with our industry's increased emphasis on these areas, the APTA Safety Audit Programs have similarly been modified to place added attention to these critical elements.

APTA's Committee on Public Safety, continues to provide a most critical forum for transit security professionals to meet and share information, experiences and programs and to also provide valuable input to programs being developed by the FTA.

SECURITY INVESTMENT NEEDS

Mr. Chairman, after the awful events of 9/11, the transit industry invested some \$1.7 billion of its own revenues in enhanced security measures building on the industry's considerable efforts already in place. At the same time, our industry undertook a comprehensive review to determine how we could build upon our existing industry security practices. This included a range of activities, some of which I discussed earlier in my testimony, including research, best practices, education, information sharing in the industry, surveys and the like. As a result of those efforts we are now at a phase where we know what we can most effectively do in terms of creating a more secure environment for our riders and have accordingly identified critical security investment needs.

Our latest survey of public transportation security identified needs of at least \$5.2 billion in additional capital funding to maintain, modernize, and expand transit system security functions to meet increased security demands. Over \$800 million in increased operating costs for security personnel, training, technical support, and research and development have been identified, bringing total additional transit security funding needs to more than \$6 billion.

Responding transit agencies were asked to prioritize the uses for which they required additional federal investment for security needs. Priority examples of operational needs include:

- Funding current and additional transit agency and local law enforcement personnel.
- Funding for over-time costs and extra security personnel during heightened alert levels.
- Training for security personnel.
- Joint transit/law enforcement training.
- Security planning activities.
- Security training for other transit personnel.

Priority examples of security capital investment needs include:

- Radio communications systems.
- Security cameras on-board transit vehicles and in transit stations.
- Controlling access to transit facilities and secure areas.
- Automated vehicle locator systems.
- Security fencing around facilities.

Transit agencies with large rail operations also reported a priority need for federal capital funding for intrusion detection devices. To this extent, we are seeking \$2 billion in funding for transit security in the FY 2005 Homeland Security Appropriations bill. Within the \$2 billion in

funding, we are seeking \$1.2 billion for capital investments, and an immediate \$800,000 in operational expenses.

To date the DHS has allocated some \$115 million for public transportation security through its Office of Domestic Preparedness, and we appreciate this support from the Department. We trust that we can now begin to build on those initial investments and address the \$6 billion in critical needs the transit industry has identified. The Administration's FY 2005 budget, however, does not specifically call for investment in public transportation security. We think it should. Currently ODP grants for transit systems are made available through the states, which means that our transit systems do not have a direct relationship with DHS, and which also means that the process of getting the funds to the local transit systems can be lengthy.

In addition, States can take up to 20% of the grant funding, passing along the remaining 80% to the transit authorities. In that regard, we appreciate the efforts that ODP has recently taken to encourage States to pass-through most of that 20% funding to transit authorities, and to make the funds available as quickly as possible to public transit agencies. Through ODP, public transportation is also being provided with technical assistance in the form of comprehensive risk assessments. We encourage that this level of technical assistance be maintained.

Our nation's transit systems have a direct and cooperative working relationship with DOT's Federal Transit Administration which allocates federal capital investment quickly to the local level, and we believe this is an excellent model that we would like to see developed over time with the DHS. We stand ready to help in any way we can in that regard.

Mr. Chairman, we are also concerned about DHS's Passenger Rail Security Directives that took effect on May 23, 2004, imposing additional costs on our members without providing any federal funds to cover these costs. The measures instruct commuter, transit and inter-city passenger rail systems to comply with requirements that range from removing or replacing station trash cans to utilizing canine explosives detection teams to increasing personnel. At a time when transit systems are experiencing the impacts of the economic downturn when states and local governments have large shortfalls in the tax collections and budgets, new mandates such as these need to be supported with federal government resources. In addition, we believe that a more collaborative working relationship with TSA would see our industry being engaged more fully and at an earlier stage in TSA's planning and we seek your Subcommittee's support in that regard.

CONCLUSION

Mr. Chairman, in light of our nation's heightened security concerns post 9/11, we believe that increased federal investment in public transportation security by DHS is critical. The public transportation industry has made great strides in transit security improvements since 9/11 but much more needs to be done. We look forward to building on our cooperative working relationship with the Department of Homeland Security and Congress to begin to address these needs. We again thank you and the Subcommittee for allowing us to testify today and your commitment in the nation's transportation infrastructure, and look forward to working with you on safety and security issues.